

#18/B  
BP  
9-6-01

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

**AMENDMENT AND REQUEST FOR  
RECONSIDERATION UNDER 37 C.F.R. §1.111**

Dear Sir:

In response to the Official Action dated March 29, 2001, please amend the above-identified patent application as follows:

In the claims:

Please add new claims 37-58 as follows:

- Sub C 1*
- B 1*
- Sub K 2*
- 
37. (New) An isolated pesticidal agent which is an extracellular protein obtainable from a *Xenorhabdus nematophilus* species and which is encoded by the nucleotide sequence of Figure 2 (SEQ ID No 1) or encoded by a variant thereof which hybridizes with said sequence under stringent conditions, said protein having toxic activity when administered orally to an insect.
38. (New) An agent according to claim 37, wherein the *Xenorhabdus nematophilus* species is ATCC 19061, NCIMB 40886 or NCIMB 40887.
39. (New) An agent according to claim 37, which is encoded by the nucleotide sequence of Figure 2 (SEQ ID No 1).